



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

**REGION II
290 BROADWAY
NEW YORK, NEW YORK 10007-1866**

March 11, 2014

By Electronic Mail

Carol Dinkins, Esq.
Vinson & Elkins
First City Tower
1001 Fannin St., Suite 2500
Houston, TX 77002

Re: Diamond Alkali, Lower Passaic River Study Area – River Mile 10.9
Unilateral Administrative Order for Removal Response Activities
USEPA Region 2 CERCLA Docket No. 02-2012-2020

Dear Ms. Dinkins:

This will respond to your letter dated March 3, 2014 transmitting the statement of work ("SOW") prepared by Dr. James Best for Occidental Chemical Corporation ("Occidental"), Maxus Energy Corporation and Tierra Solutions, Inc., to investigate the location of the water mains at RM 10.9.

EPA is evaluating the SOW and we expect to provide comments by the end of March, and to address what form of Quality Assurance Project Plan and Health and Safety Plan are likely to be needed, if any.

We understand that your clients are moving forward with an analysis of the legal/regulatory analysis, and would like to receive that analysis by March 28, 2014.

As you suggest in your letter, we agree that until the location of the water main is known, it will not be possible to determine how to accomplish the sediment removal and capping in that area. The next step of the analysis must await the results of this first step. Further, this will confirm that we have reconsidered the proposed bridge study and are not looking to Occidental to pursue that study at this time.

With respect to the proposed trust agreement, we will offer comments but we continue to think that it cannot be put into final form until the cost of addressing the utility area is known. The expenditure of funds by Maxus and Tierra is not the determining factor in establishing the amount of funding.

Finally, I would like to mention that Remedial Project Manager Stephanie Vaughn, who is designated as the Project Coordinator for the RM 10.9 removal action, is currently on leave. In her absence, Jennifer LaPoma will be acting for her. Jennifer can be reached at:

Jennifer LaPoma
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Emergency and Remedial Response Division
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Phone: (212) 637-4328
Email: LaPoma.Jennifer@epa.gov

Sincerely yours,

A handwritten signature in cursive script, reading "Sarah P. Flanagan".

Sarah P. Flanagan
Assistant Regional Counsel

cc: R. Basso, ERRD
J. LaPoma, ERRD
P. Hick, ORC